

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

50 California Street, 22nd Floor

7 San Francisco, California 94111-4788

Telephone: (415) 875-6600

8 Facsimile: (415) 875-6700

9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
17 LLC,

18 Defendants.

CASE NO. 3:17-cv-00939-WHA

**DECLARATION OF JEFF NARDINELLI
IN SUPPORT OF WAYMO'S
SUPPLEMENTAL OFFER OF PROOF
REGARDING OTTO TRUCKING, AND
SUPPLEMENTAL BRIEF IN SUPPORT OF
BOTH ITS OPPOSITION TO OTTO
TRUCKING'S MOTION FOR SUMMARY
JUDGMENT (DKT. 1526-4) AND ITS
OPPOSITION TO OTTO TRUCKING'S
MOTION FOR A SEPARATE TRIAL
(DKT. 1934)**

1 I, Jeff Nardinelli, hereby declare as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC ("Waymo"). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently as follows.

6 2. Attached as Exhibit 1 is a true and correct copy of an excerpt of the rough transcript
7 from the deposition of Melanie Maugeri, taken on October 20, 2017.

8 3. Attached as Exhibit 2 is a true and correct copy of a document produced by Uber
9 bearing Bates number UBER00324084.

10 4. Attached as Exhibit 3 is a true and correct copy of a document that Waymo
11 requested Uber produce following its review of the recently produced Stroz materials; Waymo is
12 still awaiting production.

13 5. Attached as Exhibit 4 is a true and correct copy of a printed version of a
14 spreadsheet produced by Uber bearing Bates number UBER00304535.

15 6. Attached as Exhibit 5 is a true and correct copy of a printed version of a
16 spreadsheet produced by Uber bearing Bates number UBER00219565.

17 7. Attached as Exhibit 6 is a true and correct copy of a document produced by Otto
18 Trucking bearing Bates number OTTOTRUCKING00000035.

19 8. Attached as Exhibit 7 is a true and correct copy of a document produced by Otto
20 Trucking bearing Bates number OTTOTRUCKING00000020.

21 9. Attached as Exhibit 8 is a true and correct copy of a document produced by Otto
22 Trucking bearing Bates number OTTOTRUCKING00000127.

23 10. Attached as Exhibit 9 is a true and correct copy of a document produced by Uber
24 bearing Bates number UBER00199508.

25 11. Attached as Exhibit 10 is a true and correct copy of a document produced by Uber
26 bearing Bates number UBER00230722.

27 12. Attached as Exhibit 11 is a true and correct copy of an excerpt of the deposition of
28 Don Burnette, taken on October 13, 2017.

1 13. Attached as Exhibit 12 is a true and correct copy of an excerpt of the deposition of
2 Joseph Shaw, taken on September 29, 2017.

3 14. Attached as Exhibit 13 is a true and correct copy of a document produced by Otto
4 Trucking bearing Bates number OTTOTRUCKING00025230.

5 15. Attached as Exhibit 14 is a true and correct copy of an excerpt of the deposition of
6 Cameron Poetzsch, taken on June 19, 2017.

7 16. Attached as Exhibit 15 is a true and correct copy of a document produced by Uber
8 bearing Bates number UBER00076783.

9 17. Attached as Exhibit 16 is a true and correct copy of a document produced by Uber
10 bearing Bates number UBER00245435.

11 18. Attached as Exhibit 17 is a true and correct copy of an excerpt of the deposition
12 transcript of James Malackowski, dated October 3, 2017.

13 19. Attached as Exhibit 18 is a true and correct copy of a document produced by Uber
14 bearing Bates number UBER00200513.

15 20. Attached as Exhibit 19 is a true and correct copy of a printed version of an excerpt
16 of a spreadsheet produced by Otto Trucking bearing Bates number OTTOTRUCKING000000004.

17 21. Attached as Exhibit 20 is a true and correct copy of an excerpt of the deposition
18 transcript of Justin Suhr, dated October 13, 2017.

19
20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct.

22
23 DATED: October 23, 2017

/s Jeff Nardinelli
Jeff Nardinelli

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Jeff Nardinelli.

/s/ Melissa J. Baily
Melissa J. Baily